

## **The Energy and Technology Committee**

**March 3, 2009**

### **Raised Bill No. 6603, AAC The Class III Renewable Portfolio Standard**

#### **Testimony of**

#### **The Office of Consumer Counsel**

**Mary J. Healey, Consumer Counsel**

**Joseph Rosenthal, Principal Attorney**

The Office of Consumer Counsel (OCC) has carefully reviewed and SUPPORTS Raised Bill No. 6603, AAC the Class III Renewable Portfolio Standard.

The Bill would clarify the law by providing that if an entity provides conservation or load management projects to residential customers without compensation from the Conservation and Load Management (C&LM) Fund, then either the entity doing that project or the residential customer should receive the financial value of any Class III renewable energy credits. Apparently because of other provisions in this law, there had been confusion about how the law would apply in this situation, including as to whether the C&LM Fund would be entitled to some of the financial value of the credits even though the C&LM Fund did not provide financial support for the project.

It is OCC's understanding that the Department of Public Utility Control (DPUC) already resolved this legal issue in the same manner as the bill in a September 29, 2008 Decision in Docket No. 05-07-19RE01, DPUC Proceeding to Develop a New Distributed Resources Portfolio Standard (Class III) - 2007 Revisions. The DPUC's ruling, at page 9, allowed independently funded residential energy efficiency projects to keep 100% of the value of Class III RECs, so long as the project aggregated at least 100 kW of demand, which is a small amount. Given the DPUC's ruling, the strict *need* for this bill at this time is somewhat uncertain, but the bill's concept seems sound and thus a clarification memorialized in law would presumably not do any harm. OCC will be interested in the testimony of other stakeholders as to the perceived need for this legislative action given the DPUC's ruling.